

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Randolph F. Leidl,

Plaintiff(s),

-against-

Vengroff, Williams & Associates, Inc., et al.,

Defendant(s).

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**WILLIAM D. WALL, United States Magistrate Judge:**

**REPORT AND**

**RECOMMENDATION**

CV09-2648 (LDW) (WDW)

This action was filed on June 19, 2009. There has been no activity in the case since that date. On May 4, 2010 and August 25, 2010, I issued orders for status reports, warning the plaintiff that a failure to respond could result in a recommendation of dismissal. No response to either order has been entered. Since the plaintiff has failed to prosecute this matter and has not complied with the prior orders of the court, I recommend that the case be dismissed with prejudice, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

**OBJECTIONS**

A copy of this Report and Recommendation is being sent to counsel for the plaintiffs by electronic filing on the date below. Any objections to this Report and Recommendation must be filed with the Clerk of the Court within 14 days. *See* 28 U.S.C. §636 (b)(1); Fed. R. Civ. P. 72; Fed. R. Civ. P. 6(a) and 6(d). Failure to file objections within this period waives the right to appeal the District Court's Order. *See Ferrer v. Woliver*, 2008 WL 4951035, at \*2 (2d Cir. Nov. 20, 2008); *Beverly v. Walker*, 118 F.3d 900, 902 (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

Dated: Central Islip, New York  
November 4, 2010

/s/ William D. Wall  
WILLIAM D. WALL  
United States Magistrate Judge